

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, a paragraph has been amended on page 2.

Claims 1, 2, 4-6, 8-13, 14, 16, and 17 are currently being amended.

Claim 18 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-18 are now pending in this application.

Information Disclosure Statement

Applicants note that an Information Disclosure Statement was filed on March 11, 2004. An initialed copy of the form SB/08 submitted with this Information Disclosure Statement was not provided with the Office Action. Applicants respectfully request that an initialed copy of this form be provided with the next correspondence.

Applicants further note that an Information Disclosure Statement was filed on May 3, 2005. Applicants respectfully request that an initialed copy of the SB/08 for this Information Disclosure Statement be provided with the next correspondence.

Allowable Subject Matter

Applicants wish to thank the Examiner for indicating that claims 1-8 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112. Applicants believe that amended claims 1-8 are in condition for allowance.

Objection to the Drawings

Figures 1 and 2 are objected to for not including a “Prior Art” legend. Figures 1 and 2 have been amended to include a “Prior Art” legend. Withdrawal of this objection is respectfully requested.

Objection to the Specification

The specification is objected to for having a minor informality on page 2. The specification has been amended to overcome the objection. Withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 9-17 are rejected under 35 U.S.C. § 112, first paragraph, for non-enablement. Claims 9 and 17 have been amended to remove language regarding a first circumference correction section, or means, and language regarding a second circumference correction section, or means. Applicants believe that amended claims 9 and 17 are properly enabled by Applicant’s disclosure. Withdrawal of this rejection is respectfully requested.

Claims 1-8, 12-14, and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 2, 5, 6, 8, 12-14, and 16 have been amended to overcome these rejections. Withdrawal of these rejections is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 9-17 are rejected under 35 U.S.C. § 102(a) as being anticipated by the Applicant’s disclosure. This rejection is respectfully traversed.

Amended claims 9 and 17 require a machine or means to perform a first circumference correction and a second circumference correction on a metal belt and a heat treatment device or means to perform a solution treatment on the metal belt, wherein the machine or means to perform the circumference corrections is adapted to perform the second circumference correction after a solution heat treatment has been performed by the heat treatment device or means.

Applicants' disclosure does not teach a machine or means to perform a first and second circumference correction, wherein the machine or means is adapted to perform the second circumference correction after the solution heat treatment. Therefore, Applicants' disclosure does not teach the manufacturing apparatus that is required by claims 9 and 17.

The Office Action indicates that performing two circumference correction steps with a solution heat treatment in between the correction steps is considered intended use. (See Office Action at page 4). However, the Office Action does not provide a basis for how the teachings of Applicants' related art are capable of performing such an intended use. Applicants respectfully request that the Office explain how the teachings of the related art provide such a basis or withdraw the rejection.

Furthermore, Applicants traverse the statement of Official Notice because the Office Action states that the features of the invention, particularly dependent claims 2-8 and 10-16, are "old and well known in the art" without providing a prior art reference as a basis for the Official Notice. Applicants respectfully request that the Office provide prior art references to support such statements of Official Notice or withdraw the rejection. See MPEP § 2144.03.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Date JUL 25 2005

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Respectfully submitted,

By 

Glenn Law
Attorney for Applicant
Registration No. 34,371

Amendments to the Drawings:

The drawing sheets attached in connection with the above-identified application, containing Figures 1 and 2, are being presented as sheets to be substituted for the previously submitted drawing sheets. Drawing Figures 1 and 2 have been amended.

The specific changes which have been made to Figures 1 and 2 are to label Figures 1 and 2 as "Prior Art."